

House Amendment 1433

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1 1 Amend House File 683 as follows:
1 2 #1. Page 40, by inserting after line 35 the
1 3 following:
1 4 1 5 STATE AND LOCAL LAND MANAGEMENT AND PLANNING
1 6 Sec. _____. NEW SECTION. 6C.1 TITLE.
1 7 This chapter shall be known and may be cited as the
1 8 "Land Management Planning Act".
1 9 Sec. _____. NEW SECTION. 6C.2 LAND DEVELOPMENT AND
1 10 USE == STATE POLICY ESTABLISHED.
1 11 It is the policy of this state to provide for the
1 12 sound and orderly development and use of land and to
1 13 provide for the protection and preservation of the
1 14 private and public interest in the land, water, and
1 15 related resources of this state for the public health,
1 16 safety, morals, and general welfare of present and
1 17 future generations. It is further the policy of this
1 18 state to preserve the use of prime agricultural land
1 19 for agricultural production and to preserve natural,
1 20 cultural, and historical areas while striking a
1 21 balance between legitimate public purposes and private
1 22 property rights.
1 23 Sec. _____. NEW SECTION. 6C.3 DEFINITIONS.
1 24 1. "Agricultural land" means agricultural land as
1 25 defined in section 9H.1.
1 26 2. "Board" means the land management planning
1 27 board established in section 6C.4.
1 28 3. "Department" means the department of economic
1 29 development.
1 30 4. "Public agency" means an agency as defined in
1 31 section 17A.2, a county, a city, or other political
1 32 subdivision, including but not limited to a principal
1 33 department as provided in section 7E.5, a school
1 34 corporation organized under chapter 273 or 274, a
1 35 community college as provided in chapter 260C, or a
1 36 township as provided in chapter 359.
1 37 5. "Growth plan" means a plan created as provided
1 38 in chapter 366.
1 39 Sec. _____. NEW SECTION. 6C.4 LAND MANAGEMENT
1 40 PLANNING BOARD.
1 41 1. A land management planning board is established
1 42 as the state's principal agency overseeing land
1 43 management planning by cities and counties. The board
1 44 shall oversee the administration of this chapter, and
1 45 chapters 366 and 368, monitor the effectiveness of
1 46 public agencies in carrying out the policy of this
1 47 state as established in section 6C.2, and study
1 48 methods to successfully implement the policy.
1 49 2. The board shall be composed of the following
1 50 members:
2 1 a. One member appointed from a city with a
2 2 population of more than forty-five thousand, according
2 3 to the most recent certified federal census.
2 4 b. One member appointed from a city with a
2 5 population of forty-five thousand or less, according
2 6 to the most recent certified federal census.
2 7 c. One member appointed from a county with a
2 8 population of more than fifty thousand, according to
2 9 the most recent certified federal census.
2 10 d. One member appointed from a county with a
2 11 population of fifty thousand or less, according to the
2 12 most recent certified federal census.
2 13 e. One member appointed to represent the general
2 14 public. This member shall have expertise in land use
2 15 planning and matters relating to agriculture and
2 16 conservation.
2 17 3. The members shall be appointed by the governor
2 18 subject to confirmation by the senate as provided in
2 19 section 2.32. The appointments shall be for six-year
2 20 staggered terms beginning and ending as provided in
2 21 section 69.19, or for an unexpired term if a vacancy
2 22 occurs. No member shall serve more than two complete
2 23 six-year terms.
2 24 4. The board shall elect a chairperson each year.
2 25 5. Members of the board, other than a state

2 26 officer or employee, are entitled to receive a per
2 27 diem as specified in section 7E.6 for each day spent
2 28 in performance of duties as members, and shall be
2 29 reimbursed for all actual and necessary expenses
2 30 incurred in the performance of duties as members.

2 31 6. The department shall provide office space and
2 32 staff assistance, and shall budget funds to cover
2 33 expenses of the board and of committees established
2 34 pursuant to chapter 368. The office of attorney
2 35 general shall provide legal counsel to the board.

2 36 Sec. _____. NEW SECTION. 6C.5 POWERS AND DUTIES OF
2 37 THE BOARD.

2 38 1. The board shall do all of the following:

2 39 a. Review and, if necessary, adopt growth plans
2 40 submitted for dispute resolution pursuant to section
2 41 366.6.

2 42 b. Keep on file growth plans filed with the board
2 43 pursuant to section 366.7.

2 44 c. Approve or disapprove petitions for boundary
2 45 adjustment as provided in chapter 368.

2 46 d. Establish policies for administration of the
2 47 land management planning fund created in section 6C.6.

2 48 e. Establish minimum qualifications for mediators,
2 49 establish procedures for qualifying and appointing
2 50 persons representative of the public to be available
3 1 to serve as mediators, maintain a list of qualified
3 2 mediators, and establish compensation rates for
3 3 mediators.

3 4 f. Adopt rules pursuant to chapter 17A necessary
3 5 to administer its duties under this chapter and
3 6 chapters 366 and 368. The rules may include
3 7 establishing filing fees for applications and
3 8 petitions submitted to the board pursuant to chapter
3 9 368.

3 10 2. The board may adopt forms to be completed and
3 11 submitted by cities and counties as necessary for the
3 12 efficient administration of this chapter and chapters
3 13 366 and 368.

3 14 Sec. _____. NEW SECTION. 6C.6 LAND MANAGEMENT
3 15 PLANNING FUND.

3 16 1. A land management planning fund is created
3 17 within the state treasury under the control of the
3 18 department. Moneys in the fund shall be used to pay
3 19 for the costs of administration of this chapter and
3 20 chapters 366 and 368 by the department.

3 21 2. The fund shall consist of all of the following:

3 22 a. Moneys appropriated by the general assembly.

3 23 b. Moneys available to and obtained or accepted by
3 24 the department from the federal government or private
3 25 sources for deposit in the fund.

3 26 c. Filing fees paid for applications and petitions
3 27 submitted to the board pursuant to chapter 368.

3 28 LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

3 29 Sec. _____. NEW SECTION. 366.1 DEFINITIONS.

3 30 1. "Agricultural land" means agricultural land as
3 31 defined in section 9H.1.

3 32 2. "Board" means the land management planning
3 33 board established in section 6C.4.

3 34 3. "Department" means the department of economic
3 35 development.

3 36 Sec. _____. NEW SECTION. 366.2 LOCAL STRATEGIC
3 37 DEVELOPMENT COMMITTEE.

3 38 1. A strategic development committee may be
3 39 created in a county. Members shall be appointed to
3 40 the strategic development committee within ninety days
3 41 after any of the following occurs:

3 42 a. The county board of supervisors and each city
3 43 council in the county adopt resolutions calling for
3 44 appointment of members to the committee and each city
3 45 files the resolution with the county board of
3 46 supervisors.

3 47 b. A petition signed by eligible electors of the
3 48 county equal in number to at least ten percent of the
3 49 votes cast in the county for the office of president
3 50 of the United States or governor at the preceding
4 1 general election is filed with the county board of
4 2 supervisors.

4 3 2. The strategic development committee shall be
4 4 composed of the following members:

4 5 a. Three members appointed by the county board of
4 6 supervisors. Two of the three members must be

4 7 residents of the unincorporated area of the county.

4 8 b. One member appointed by the city council of
4 9 each city located in the county.

4 10 c. One member appointed by the mayor of each of
4 11 the two cities with the highest population located in
4 12 the county.

4 13 d. An additional member shall be appointed by the
4 14 mayor of each participating city for every fifty
4 15 thousand residents in the city. These members shall
4 16 have expertise in land use planning and matters
4 17 relating to agriculture and conservation.

4 18 3. A city shall be represented on a committee if
4 19 any part of the city is located in the county.

4 20 4. Two or more contiguous counties may organize as
4 21 one combined strategic development committee. Each
4 22 county's membership on a combined committee shall be
4 23 appointed as provided in subsection 2, paragraphs "a"
4 24 through "d".

4 25 5. The committee shall hold an organizational
4 26 meeting no later than ten days after appointment of
4 27 members. The organizational meeting shall be convened
4 28 by the chairperson of the county board of supervisors.

4 29 Sec. ____ NEW SECTION. 366.3 GROWTH PLAN ==
4 30 GOALS AND OBJECTIVES.

4 31 1. The local strategic development committee shall
4 32 create and recommend a growth plan for the county.

4 33 2. The purpose of a growth plan is to direct
4 34 coordinated, efficient, and orderly development that
4 35 will, based on an analysis of present and future
4 36 needs, best promote the public health, safety, morals,
4 37 and general welfare. The goals and objectives of a
4 38 growth plan include the following:

4 39 a. Encouraging a pattern of compact development in
4 40 strategic development areas.

4 41 b. Promoting redevelopment of existing urban
4 42 areas.

4 43 c. Promoting employment opportunities and the
4 44 economic health of the county and all cities in the
4 45 county.

4 46 d. Providing for a variety of housing choices
4 47 within strategic development areas and assuring
4 48 affordable housing for future population growth.

4 49 e. Identifying and conserving natural resource
4 50 areas, environmentally sensitive land, and features of
5 1 significant local, statewide, or regional
5 2 architectural, cultural, historical, or archaeological
5 3 interest.

5 4 f. Preserving land identified by the strategic
5 5 development committee as prime agricultural land for
5 6 use in agricultural production.

5 7 g. Balancing the need for land management
5 8 regulations with the protection of private property
5 9 rights.

5 10 h. Ensuring the efficient use of infrastructure
5 11 and that adequate municipal services are provided
5 12 concurrently with development.

5 13 i. Taking into consideration such other matters
5 14 that are related to the coordinated, efficient, and
5 15 orderly development of the county and all cities in
5 16 the county.

5 17 Sec. ____ NEW SECTION. 366.4 GROWTH PLAN ==
5 18 REQUIREMENTS.

5 19 1. A growth plan shall divide the county into
5 20 strategic development areas where future development
5 21 would be allowed and strategic preservation areas
5 22 where development would not be allowed. A growth plan
5 23 shall address transportation, public infrastructure,
5 24 municipal services, economic development, housing,
5 25 recreation, natural resources, and land use. A growth
5 26 plan may address hazard mitigation, energy systems,
5 27 cultural preservation, and other elements appropriate
5 28 to the area governed by the plan.

5 29 2. The committee shall conduct a review of
5 30 existing comprehensive plans governing the county, if
5 31 applicable, and governing each city located in the
5 32 county, if applicable.

5 33 3. Before the committee drafts a growth plan, the
5 34 committee shall hold a public hearing in order to
5 35 obtain citizen input on preparation of the growth
5 36 plan. The hearing shall be held no later than thirty
5 37 days after the committee's organizational meeting.

5 38 The county auditor shall publish notice of the time,
5 39 date, place, and purpose of the public hearing in a
5 40 newspaper of general circulation in the county. The
5 41 notice must be published not less than ten days but no
5 42 more than twenty days before the hearing. Notice of
5 43 the hearing shall also be posted on the internet
5 44 website of the participating county and of each
5 45 participating city, if such county or city maintains
5 46 an internet website. The notice shall include a
5 47 description of the general duties of the strategic
5 48 development committee and the cities and counties
5 49 represented on the strategic development committee.

5 50 4. A growth plan shall include documents
6 1 describing and depicting the corporate limits of each
6 2 city in the county and the boundaries of each
6 3 strategic development area and each strategic
6 4 preservation area.

6 5 5. a. In establishing a strategic development
6 6 area, the plan shall do all of the following:

6 7 (1) Identify territory that a reasonable and
6 8 prudent person would project as the likely site of
6 9 commercial, industrial, or residential growth over the
6 10 next twenty years based on historical experience,
6 11 economic trends, population growth patterns,
6 12 topographical characteristics, and any professional
6 13 planning, engineering, and economic studies that are
6 14 available. The city shall report population growth
6 15 projections for the city based upon federal census
6 16 data.

6 17 (2) Identify agricultural land which has a corn
6 18 suitability rating of sixty or higher, according to
6 19 information released by Iowa state university to the
6 20 department of revenue and finance for assessment and
6 21 taxation of agricultural land. Agricultural land with
6 22 a corn suitability rating of sixty or higher shall not
6 23 be included in a strategic development area unless the
6 24 local strategic development committee makes a showing
6 25 that the land is necessary for the orderly development
6 26 of the strategic development area.

6 27 b. In establishing a strategic preservation area,
6 28 the plan shall identify territory to be preserved for
6 29 the next twenty years for agricultural purposes,
6 30 forests, prairies, wetlands, other natural areas,
6 31 recreational areas, wildlife management areas,
6 32 cultural areas, historical areas, or other areas
6 33 planned for preservation.

6 34 6. When designating that part of a strategic
6 35 development area contiguous to a city, the committee
6 36 shall identify, and give consideration to, the amount
6 37 of territory within the current incorporated
6 38 boundaries of the city that is vacant or undeveloped
6 39 land.

6 40 7. The committee shall utilize planning resources
6 41 that are available within the county, including city
6 42 and county planning commissions, zoning
6 43 administrators, and a council of governments
6 44 established pursuant to chapter 28H. The committee is
6 45 also encouraged to utilize the services of a joint
6 46 planning commission established pursuant to chapter
6 47 28I and colleges and universities in the state.

6 48 Sec. _____. NEW SECTION. 366.5 LOCAL GOVERNMENT
6 49 RATIFICATION OF GROWTH PLAN.

6 50 1. Before the committee submits the plan
7 1 recommended for ratification, the committee shall hold
7 2 at least one public hearing on the proposed
7 3 recommended growth plan. The county auditor shall
7 4 publish notice of the time, place, and purpose of the
7 5 public hearing in a newspaper of general circulation
7 6 in the county. The notice must be published at least
7 7 ten days but no more than twenty days before the
7 8 hearing. Notice of the hearing shall also be posted
7 9 on the internet website of the participating county
7 10 and of each participating city if such county or city
7 11 maintains an internet website.

7 12 2. Not later than twenty-four months after the
7 13 date of the organizational meeting, the committee
7 14 shall submit the recommended growth plan to the county
7 15 board of supervisors and the city council of each city
7 16 in the county.

7 17 a. Not later than sixty days after receiving the
7 18 recommended growth plan, the county board of

7 19 supervisors and each city council shall by resolution
7 20 either ratify or reject the recommended growth plan.
7 21 A city or county that fails to timely act on the
7 22 resolution shall be deemed to have ratified the
7 23 recommended growth plan on the last day of the sixty=
7 24 day period. If the growth plan is ratified, the
7 25 committee shall file the plan with the land management
7 26 planning board.

7 27 b. If the county board of supervisors or a city
7 28 council rejects the recommended growth plan submitted
7 29 by the committee, the county or city shall submit its
7 30 objections to the plan along with the notice of
7 31 rejection. After receiving objections to the plan,
7 32 the committee may recommend a revised growth plan no
7 33 later than sixty days after the recommended plan is
7 34 rejected or may resubmit the original plan. Before
7 35 the committee submits the revised plan recommended for
7 36 ratification, the committee shall hold at least one
7 37 public hearing on the revised plan in the manner
7 38 provided in subsection 1. The committee shall submit
7 39 any revised growth plan, or resubmit the original
7 40 plan, to the county board of supervisors and the city
7 41 council of each city in the county for ratification.

7 42 Not later than sixty days after receiving a revised
7 43 growth plan or resubmitted original plan, the county
7 44 board of supervisors and each city council shall
7 45 either ratify or reject the plan in the same manner as
7 46 provided in paragraph "a". A city or county that
7 47 fails to timely act on a resolution shall be deemed to
7 48 have ratified the plan on the last day of the sixty=
7 49 day period.

7 50 If the resubmitted original plan or the revised
8 1 plan is rejected, the county or city rejecting the
8 2 plan shall submit its objections, and the reasons for
8 3 its objections, to mediation in accordance with
8 4 section 366.6.

8 5 Sec. . NEW SECTION. 366.6 MEDIATION OF
8 6 DISPUTED ISSUES.

8 7 1. If the county board of supervisors or a city
8 8 council rejects the resubmitted original plan or the
8 9 revised plan, the local strategic development
8 10 committee shall declare the existence of an impasse
8 11 and shall notify the board.

8 12 2. Within ten days of receiving notice of the
8 13 existence of an impasse, the board shall appoint a
8 14 mediator from the list of mediators maintained
8 15 pursuant to section 6C.5. The board shall not appoint
8 16 a person as a mediator if the immediate family of the
8 17 person or such person's spouse is a resident, property
8 18 owner, official, or employee of the county or of any
8 19 city in the county.

8 20 3. The mediator shall attempt to mediate the
8 21 unresolved disputes. If, after reasonable efforts,
8 22 mediation does not resolve such disputes, the mediator
8 23 shall so notify the board. The mediation process must
8 24 be concluded within thirty days. The county board of
8 25 supervisors and the cities may submit final
8 26 recommendations regarding the impasse to the board.
8 27 For the sole purpose of resolving the impasse, the
8 28 board shall adopt a growth plan that resolves those
8 29 issues in dispute. The growth plan adopted by the
8 30 board shall conform to the provisions of this chapter.

8 31 4. In mediating the dispute, the mediator may
8 32 consult with the university of Iowa, Iowa state
8 33 university of science and technology, the university
8 34 of northern Iowa, or others with expertise in urban
8 35 planning, growth, and development.

8 36 5. The board shall certify the reasonable and
8 37 necessary costs incurred by the mediator, including,
8 38 but not limited to, salaries, supplies, travel
8 39 expenses, and staff support for the mediator. The
8 40 county and the cities shall reimburse the board for
8 41 such costs. The costs shall be divided equally,
8 42 without regard to population, among the county and the
8 43 cities in the county.

8 44 6. If a county or city fails to reimburse its
8 45 allocated share of mediation costs to the board after
8 46 sixty days' notice of such costs, the department of
8 47 revenue and finance shall be notified and shall deduct
8 48 such costs from such county's or city's allocation
8 49 under chapter 405A. The amount deducted shall be

8 50 forwarded to the board.

9 1 Sec. ____ NEW SECTION. 366.7 PLAN FILED WITH
9 2 BOARD.

9 3 A growth plan ratified pursuant to section 366.5 or
9 4 a plan that has been agreed to by mediation pursuant
9 5 to section 366.6 or a plan adopted by the board
9 6 pursuant to section 366.6 shall be filed with the
9 7 board within ten days of ratification or approval of
9 8 the plan.

9 9 Sec. ____ NEW SECTION. 366.8 RECORDING OF GROWTH
9 10 PLAN.

9 11 After a plan has been filed with the board, the
9 12 board shall retain a copy of the plan on file and
9 13 shall forward a copy to the county auditor who shall
9 14 record the plan in the office of county recorder no
9 15 later than five days after receiving the plan from the
9 16 board.

9 17 Sec. ____ NEW SECTION. 366.9 DURATION OF PLANS
9 18 == REVIEW AND AMENDMENT.

9 19 After a growth plan has been recorded with the
9 20 county recorder, the plan shall remain in effect for
9 21 not less than five years absent a showing of
9 22 extraordinary circumstances necessitating a change in
9 23 the plan. After expiration of the five-year period,
9 24 the county or a city in the county may propose an
9 25 amendment to the growth plan or may propose a review
9 26 of the plan by filing notice with the county board of
9 27 supervisors for the county and the city council of
9 28 each city in the county. Upon receipt of such notice
9 29 by the county and each city, the county board of
9 30 supervisors shall promptly reconvene the local
9 31 strategic development committee. The burden of
9 32 proving the reasonableness of a proposed amendment to
9 33 the plan shall be upon the party proposing the
9 34 amendment. The procedures for amending the growth
9 35 plan shall be the same as the procedures set forth in
9 36 this chapter for creating the original growth plan.

9 37 Sec. ____ NEW SECTION. 366.10 JUDICIAL REVIEW.

9 38 1. The county, a city in the county, a resident of
9 39 the county, or an owner of real property located in
9 40 the county may seek judicial review of a decision of
9 41 the board relating to adoption of a growth plan
9 42 presented to the board pursuant to section 366.6,
9 43 subsection 3. The judicial review provisions of this
9 44 section and chapter 17A shall be the exclusive means
9 45 by which a person or party who is aggrieved or
9 46 adversely affected by action of the board may seek
9 47 judicial review of the action of the board.

9 48 2. A petition for judicial review must be filed
9 49 within sixty days after the growth plan is recorded
9 50 with the county recorder. In accordance with the Iowa
10 1 rules of civil procedure pertaining to service of
10 2 process, copies of the petition shall be served upon
10 3 the board.

10 4 3. The court's review is limited to questions
10 5 relating to jurisdiction, regularity of proceedings,
10 6 and whether the action of the board is, by a
10 7 preponderance of the evidence, arbitrary,
10 8 unreasonable, or without substantial supporting
10 9 evidence. The court may nullify an action of the
10 10 board and return the plan with appropriate directions
10 11 to the board.

10 12 4. The filing of a petition for judicial review
10 13 does not stay the effectiveness of the growth plan or
10 14 recognition of strategic development areas and
10 15 strategic preservation areas identified in the plan.
10 16 However, the court may order a stay upon appropriate
10 17 terms if it is shown to the satisfaction of the court
10 18 that any party or the public at large is likely to
10 19 suffer significant injury if a stay is not granted.
10 20 If more than one petition for judicial review
10 21 regarding a single board action is filed, all such
10 22 petitions shall be consolidated and tried as a single
10 23 civil action.

10 24 5. The following portions of section 17A.19 are
10 25 not applicable to this chapter:

- 10 26 a. The portion of subsection 2 relating to where
- 10 27 proceedings for judicial review shall be instituted.
- 10 28 b. Subsection 5.
- 10 29 c. Subsection 8.
- 10 30 d. Subsections 10 through 12.

10 31 Sec. _____. NEW SECTION. 366.11 LOCAL

10 32 IMPLEMENTATION.

10 33 1. A city or county governed by a growth plan
10 34 shall not adopt ordinances regulating land development
10 35 and management within its territory that are
10 36 inconsistent with the growth plan governing the
10 37 territory.

10 38 2. A county that has approved a growth plan
10 39 pursuant to this chapter, and any city in such county,
10 40 shall use the growth plan as the basis for the
10 41 comprehensive plan required pursuant to section 335.5
10 42 or 414.3 if the county or city has adopted a zoning
10 43 ordinance. The county and each city shall amend its
10 44 comprehensive plan to conform to the growth plan.
10 45 After a growth plan is recorded with the county
10 46 recorder, all land use decisions made by the governing
10 47 body of each city and county and the city's or
10 48 county's planning commission shall be consistent with
10 49 the growth plan.

10 50 3. A city or county is under no obligation to
11 1 provide municipal services for development that does
11 2 not conform to the applicable growth plan.

11 3 Sec. _____. NEW SECTION. 366.12 STATE AGENCIES.

11 4 State agencies are encouraged to consider the
11 5 growth plan governing a locality when carrying out
11 6 projects relating to, or affecting, land use in the
11 7 locality. If action taken by a state agency in
11 8 carrying out a project relating to, or affecting, land
11 9 use in a locality is not consistent with the growth
11 10 plan for the locality, the reasons for the action must
11 11 be explained in writing by the state agency and made a
11 12 part of the project plans or specifications.

11 13 CITY DEVELOPMENT

11 14 Sec. _____. Section 368.1, subsection 3, Code 2003,
11 15 is amended to read as follows:

11 16 3. "Board" means the city development land
11 17 management planning board established in section ~~368.9~~
11 18 6C.4.

11 19 Sec. _____. NEW SECTION. 368.5A ANNEXATION

11 20 PROHIBITED == STRATEGIC PRESERVATION AREAS.

11 21 Beginning January 1, 2006, for territory located in
11 22 a county governed by a growth plan, only territory
11 23 contained in a strategic development area may be
11 24 annexed. The city council or land management planning
11 25 board shall not approve any application or petition
11 26 that seeks to annex territory contained in a strategic
11 27 preservation area. However, a city may annex
11 28 territory in a strategic preservation area if the city
11 29 intends to retain the area's designation as a
11 30 strategic preservation area and if the annexation is a
11 31 voluntary annexation applied for pursuant to section
11 32 368.7.

11 33 Sec. _____. Section 368.7A, subsection 1, Code 2003,
11 34 is amended to read as follows:

11 35 1. The board of supervisors of each affected
11 36 county shall notify the city development land
11 37 management planning board of the existence of that
11 38 portion of any secondary road which extends to the
11 39 center line but has not become part of the city by
11 40 annexation and has a common boundary with a city. The
11 41 notification shall include a legal description and a
11 42 map identifying the location of the secondary road.
11 43 The city development land management planning board
11 44 shall provide notice and an opportunity to be heard to
11 45 each city in or next to which the secondary road is
11 46 located. The city development land management
11 47 planning board shall certify that the notification is
11 48 correct and declare the road, or portion of the road
11 49 extending to the center line, annexed to the city as
11 50 of the date of certification. This section is not
12 1 intended to interfere with or modify existing chapter
12 2 28E agreements on jurisdictional transfer of roads, or
12 3 continuing negotiations between jurisdictions.

12 4 Sec. _____. Sections 368.9 and 368.10, Code 2003,
12 5 are repealed.

12 6 CORRESPONDING AMENDMENTS

12 7 Sec. _____. Section 15.108, subsection 3, paragraph
12 8 a, subparagraph (2), Code 2003, is amended to read as
12 9 follows:

12 10 (2) Provide office space and staff assistance to
12 11 the city development land management planning board as

12 12 provided in section ~~368.9 6C.4.~~
12 13 Sec. _____. Section 331.304, subsection 7, Code
12 14 2003, is amended to read as follows:
12 15 7. The board may file a petition with the ~~city~~
~~12 16 development land management planning~~ board as provided
12 17 in section 368.11.
12 18 Sec. _____. Section 331.321, subsection 1, paragraph
12 19 t, Code 2003, is amended to read as follows:
12 20 t. Local representatives to serve with the ~~city~~
~~12 21 development land management planning~~ board as provided
12 22 in section 368.14.
12 23 Sec. _____. Section 384.38, subsection 2, Code 2003,
12 24 is amended to read as follows:
12 25 2. Upon petition as provided in section 384.41,
12 26 subsection 1, a city may assess to private property
12 27 affected by public improvements within three miles of
12 28 the city's boundaries the cost of construction and
12 29 repair of public improvements within that area. The
12 30 right-of-way of a railway company shall not be
12 31 assessed unless the company joins as a petitioner for
12 32 ~~said such~~ improvements. In the petition the property
12 33 owners shall waive the limitation provided in section
12 34 384.62 that an assessment may not exceed twenty-five
12 35 percent of the value of the lot. The petition shall
12 36 contain a statement that the owners agree to pay the
12 37 city an amount equal to five percent of the cost of
12 38 the improvements, to cover administrative expenses
12 39 incurred by the city. This amount may be added to the
12 40 cost of the improvements. Before the council may
12 41 adopt the resolution of necessity, the preliminary
12 42 resolution, preliminary plans and specifications,
12 43 plat, schedule, and estimate of cost must be submitted
12 44 to, and receive written approval from, the board of
12 45 supervisors of any county which contains part of the
12 46 property, and the ~~city development land management~~
~~12 47 planning~~ board established in section ~~368.9 6C.4.~~
12 48 IMPLEMENTATION AND EFFECTIVE DATES
12 49 Sec. _____. IMPLEMENTATION OF ACT. Section 25B.2,
12 50 subsection 3, shall not apply to this division of this
13 1 Act.
13 2 Sec. _____. EFFECTIVE DATES.
13 3 1. Except as otherwise provided in this section,
13 4 this division of this Act, being deemed of immediate
13 5 importance, takes effect upon enactment.
13 6 2. The section of this division of this Act
13 7 enacting section 368.5A takes effect January 1, 2006.>
13 8 #2. Title page, line 11, by inserting after the
13 9 word the following: 13 10 local land management and planning,>.
13 11 #3. By renumbering as necessary.
13 12
13 13
13 14
13 15 _____
13 15 FALLON of Polk
13 16 HF 683.702 80
13 17 tm/cl